

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

TIMMY DALE WHITAKER,

PLAINTIFF

V.

NO. 1:05CV147-D-A

JIMMY TAYLOR, ET AL,

DEFENDANTS

**ORDER OVERRULING OBJECTIONS and ADOPTING REPORT AND
RECOMMENDATION**

The *pro se* plaintiff, an inmate in custody of the Mississippi State Penitentiary at Parchman, alleges in this § 1983 complaint that defendant Jimmy Taylor, the sheriff of Alcorn County, used excessive force against him while he was detained in the Alcorn County Jail, causing injuries to plaintiff's neck. Taylor then allegedly directed an employee to transport plaintiff to a jail in another county. Plaintiff was then transported to two different county jails, but was returned to Alcorn County when authorities at the other jails learned that plaintiff was seeking medical attention. Plaintiff alleges that various defendants denied him medical care for injuries he received as a result of excessive force.

Magistrate Judge S. Allan Alexander conducted a hearing on October 20, 2005, pursuant to *Spears v. McCotter*, 766 F. 2d 179 (5th Cir. 1985), and then filed a Report and Recommendation on October 27, 2005, recommending that defendants Jeremy Page, Brian (last name unknown), and Denise Kirksey be dismissed from the suit and that the case proceed against the other defendants. Plaintiff filed an Objection to the Report and Recommendation on November 7, 2005 and a supplemental objection on November 8, 2005.

The court finds that plaintiff's argument is not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts.

THEREFORE, it is hereby ORDERED that

1) the plaintiff's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED;

3) Jeremy Page, Brian (last name unknown), and Denise Kirksey are DISMISSED as defendants; and

4) the claim against defendants Jimmy Taylor, Tommy Hopkins, Betty Strickland, Summer Stranten, Chris Webb, and Tracy Bullard will PROCEED.

THIS the 8th day of November, 2005.

/s/ Glen H. Davidson
CHIEF JUDGE